

SEP 27 2004

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To:	Examiner Hung Nguyen GROUP ART UNIT: 2851	From:	Steven Fischman
Fax:	(703)-872-9306	Pages:	8 (including fax cover sheet)
Phone:		Date:	September 27, 2004
Re:	Daniel J. Mellinger, et al. U.S. Serial No. 10/707,198 Docket: BUR920030065US1 (16761)	CC:	


RESPONSE UNDER 37 C.F.R. §§1.111 AND 1.143**COMMENTS:**

Transmitted herewith are the following:


1. Amendment Transmittal letter (in duplicate)
2. Response Under 37 C.F.R. §§1.111 and 1.143
3. Certificate of Transmission by Facsimile, dated September 27, 2004 (in duplicate)


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AMENDMENT TRANSMITTAL LETTER (Large Entity)				Docket No. BUR920030065US1 (16761)	
Applicant(s): Daniel J. Mellinger, et al,					
Application No. 10/707,198	Filing Date November 26, 2003	Examiner Hung Nguyen	Customer No. 23389	Group Art Unit 2851	Confirmation No. 1197
Invention: OVERLAY AND CD PROCESS WINDOW STRUCTURE					
COMMISSIONER FOR PATENTS:					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	21 -	21 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	5 -	5 =	0 x	\$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
 <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0456/TBM <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 Signature			Dated: September 27, 2004		
Steven Fischman Registration No. 34,594			<div style="border: 1px solid black; padding: 5px;">I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</div> <div style="border: 1px solid black; padding: 5px; text-align: center;">Signature of Person Mailing Correspondence</div> <div style="border: 1px solid black; padding: 5px; text-align: center;">Typed or Printed Name of Person Mailing Correspondence</div>		
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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)		Docket No. BUR920030065US1 (16761)	
Applicant(s): Daniel J. Mellinger, et al.			
Application No. 10/707,198	Filing Date November 26, 2003	Examiner Hung Nguyen	Group Art Unit 2851
Invention: OVERLAY AND CD PROCESS WINDOW STRUCTURE			
<p>I hereby certify that this <u>RESPONSE UNDER 37 C.F.R. 1.111 AND 1.143</u> <i>(Identify type of correspondence)</i></p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>September 27, 2004</u> <i>(Date)</i></p> <div style="text-align: right; margin-top: 100px;"> <u>Steven Fischman</u> <i>(Typed or Printed Name of Person Signing Certificate)</i>  <i>(Signature)</i> </div>			
<p>Note: Each paper must have its own certificate of mailing.</p>			

AMENDMENT TRANSMITTAL LETTER (Large Entity)				Docket No.	
Applicant(s): Daniel J. Mellinger, et al,				BUR920030065US1 (16761)	
Application No. 10/707,198	Filing Date November 26, 2003	Examiner Hung Nguyen	Customer No. 23389	Group Art Unit 2851	Confirmation No. 1197
Invention: OVERLAY AND CD PROCESS WINDOW STRUCTURE					
COMMISSIONER FOR PATENTS:					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	21 -	21 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	5 -	5 =	0 x	\$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<div><input checked="" type="checkbox"/> No additional fee is required for amendment.</div> <div><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____</div> <div><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</div> <div><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0456/IBM<div><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</div><div><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</div></div>					
<div> Signature</div> <div>Steven Fischman Registration No. 34,594</div>			Dated: September 27, 2004		
CC:			<div><div>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</div><div>Signature of Person Mailing Correspondence</div><div>Typed or Printed Name of Person Mailing Correspondence</div></div>		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant(s): Daniel J. Mellinger, et al.****Examiner: Hung Nguyen****Serial No.: 10/707,198****Docket: BUR920030065US1(16761)****Filed: November 26, 2003****Art Unit: 2851****For: OVERLAY AND CD PROCESS
WINDOW STRUCTURE****Date: September 27, 2004****Confirmation No: 1197**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RESPONSE UNDER 37 C.F.R. §§1.111 AND 1.143**

Sir:

In response to the Office Action dated August 27, 2004, applicants provisionally elect, without traverse, the subject matter of Group II, i.e., Claims 9-16, for continued prosecution in the above-identified patent application.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: September 27, 2004
Steven Fischman

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